

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EMERGENCY RESTORATION &
CLEANING, INC,

Plaintiff,

v.

EMERGENCY RESTORATION
COMPANY, INC. et al,

Defendants.

No. 2:22-cv-1981-CKD

ORDER TO SHOW CAUSE

This action was filed on November 2, 2022 and assigned to solely the undersigned pursuant to Appendix A of the Local Rules. (ECF Nos. 1, 3.) Because no action has otherwise been taken in this case, including the required filing of Consent/Decline forms, the court issues the following order.

1. Consent/Decline Forms

Under the Initial Scheduling Order, all parties were to inform the Clerk of Court of their decision whether to consent or decline to magistrate judge jurisdiction for all purposes in this case by filing their Consent/Decline form (ECF No. 3-1) within ninety days of the date the action was filed; in this case, by January 31, 2023. (ECF No. 3 at 2, para. 2.)

A review of the docket indicates that no Consent/Decline forms have yet been submitted. There is no obligation to consent, and no judge will be notified of a party's decision unless all

1 parties have consented. See Fed. R. Civ. P. 73(b)(1). However, for proper case administration,
2 each party must inform the Clerk of Court whether it consents to magistrate judge jurisdiction for
3 all purposes. Accordingly, within fourteen days of the date of this order, all parties shall file their
4 Consent/Decline forms.

5 2. Failure to Prosecute

6 Both defendants were served in April 2023. (ECF Nos. 7, 8.) However, there has been no
7 further action in this case since the proofs of service were filed. Accordingly, within fourteen
8 days of the date of this order, plaintiff shall show cause in writing why this action should not be
9 dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

10 **ORDER**

11 Accordingly, it is HEREBY ORDERED that within fourteen days of this order:

- 12 1) All parties shall file their Consent/Decline forms; and
13 2) Plaintiff shall show cause in writing why this action should not be dismissed under
14 Federal Rule of Civil Procedure 41(b) for failure to prosecute.

15 Dated: September 27, 2023

16 
17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE

19
20
21
22
23
24
25
26
27
28
21, emer.1981